

# GEORGE CAVROS

ATTORNEY AT LAW

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September 6, 2007

Ms. Ann Cole, Director  
Division of Commission Clerk  
And Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED-FPSC  
07 SEP -7 PM 1:49  
COMMISSION  
CLERK

Re: Docket No 070467-EI: Southern Alliance for Clean Energy's  
Request for Representation by Qualified Representative

Dear Ms. Cole:

Enclosed for filing on behalf of the Southern Alliance for Clean Energy is a Request for  
Qualified Representative with accompanying Affidavit.

Sincerely,

  
George Cavros

GSC/rs  
Enclosures

DOCUMENT NUMBER - DATE  
08129 SEP-7 6  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition to determine need )  
for Polk Unit 6 electrical power plant )  
by Tampa Electric Company. )**  
\_\_\_\_\_)

**DOCKET NO. 070467-E1  
FILED: September 6, 2007**

**SOUTHERN ALLIANCE FOR CLEAN ENERGY'S REQUEST FOR  
REPRESENTATION BY QUALIFIED REPRESENTATIVE**

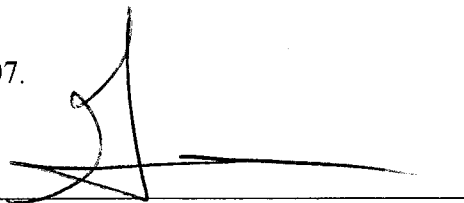
Southern Alliance for Clean Energy, pursuant to F.A.C. § 28-106.106, hereby requests that it also be represented by Gary A. Davis as Qualified Representative in the above-captioned matter. The address and telephone number for Mr. Davis are: Gary A. Davis, P.O. Box 649, Hot Springs, NC 28743, (828)622-0044.

SACE requests that Mr. Davis be approved by the Presiding Officer as Qualified Representative based upon the attached Affidavit setting forth his qualifications, experience, and knowledge of the rules governing this proceeding and the factual and legal issues involved in the case. Mr. Davis is an attorney and member of the bar of the States of Tennessee, North Carolina, and California (inactive status). He has over twenty-three years of experience in environmental and land use law. He has also represented SACE in proceedings before the North Carolina Utilities Commission dealing with certificates of need for coal-fired power plants and energy efficiency and renewable energy programs. He is a member of the Board of Directors of SACE.

Mr. Davis was formerly the Environmental Policy Director for the Conservancy of Southwest Florida, during which time he became familiar with Florida administrative procedures and Florida court rules. He has been approved as Qualified Representative in several cases before the Florida Division of Administrative Hearings.

DOCUMENT NUMBER-DATE  
08129 SEP-7 5  
FPSC-COMMISSION CLERK

Respectfully submitted this 6<sup>th</sup> day of September, 2007.



George Cavros, Esq.  
Florida Bar No. 0022405  
Counsel for Southern Alliance for Clean  
Energy  
120 E. Oakland Park Blvd, Ste. 105  
Fort Lauderdale, FL 33334  
954.563.0074

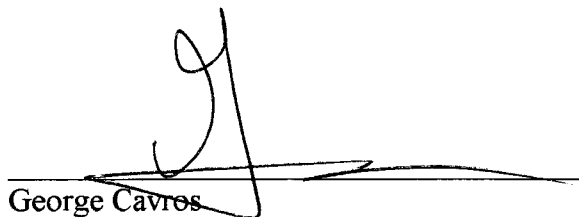
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served upon the parties by sending via U.S. mail (postage prepaid) to:

Lee L. Willis  
James D. Beasley  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32302

Jennifer S. Brubaker  
Senior Attorney  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

This 6<sup>th</sup> day of September, 2007.



George Cavros

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition to determine need )  
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**COUNTY OF MADISON )  
STATE OF NORTH CAROLINA )**

**AFFIDAVIT OF GARY A. DAVIS**

BEFORE ME, the undersigned Notary, Donna B. Fowler, on this 3<sup>rd</sup> day of September, 2007, personally appeared Gary A. Davis, known to me, and of lawful age, who being by me first duly sworn, on his oath, deposes and says:

1. I am making this Affidavit in support of the request of Southern Alliance for Clean Energy ("SACE") to designate me as qualified representative in the above-captioned matter.
2. I am a member of the Board of Directors of SACE and familiar with the issues that SACE has raised in its Petition to Intervene in this case. I am also familiar with the legal standards for the review of an application for a Certificate of Need by the Florida Public Service Commission.
3. I am currently engaged in the practice of law specializing in environmental and land use law. I am currently representing SACE before the North Carolina Utilities Commission in three dockets and recently represented the organization in a certificate of need hearing for a major proposed coal-fired power plant.
4. I am a member in good standing of the bar of the states of Tennessee, North Carolina, and California, although I am on inactive status in California. I am not a member of the bar of the State of Florida.

5. From 2002 to 2005 I was the Director of Environmental Policy for the Conservancy of Southwest Florida (“Conservancy”), located in Naples, Florida. During my employment with the Conservancy in Florida, I acted as Qualified Representative for the organization in two proceedings before the Florida Division of Administrative Hearings. These were *Conservancy of Southwest Florida v. Department of Community Affairs, et al.*, Case No. 03-3089GM, which closed in January 2004, and *In re Florida Power & Light Co Collier-Orange River # 3 230-KV Transmission Line Project.*, Case No. 03-1629TL, which also closed in 2004. I also completed continuing legal education courses in Florida environmental and land use law, including Environmental and Land Use Law Annual Updates.

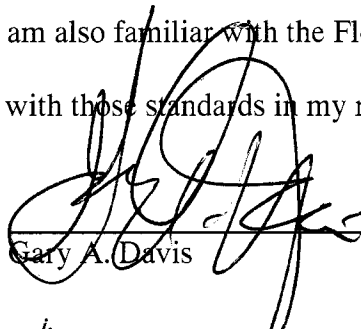
6. Since leaving the employment of the Conservancy, I have served as Qualified Representative for the organization in three proceedings before the Division of Administrative Hearings: *Sanibel-Captiva Conservation Foundation, et al. v. South Florida Water Management District, et al.*, DOAH Case No. 06-000805, which is pending; *Conservancy of Southwest Florida v. G.L. Homes Of Naples Associates II, et al.*, DOAH Case No. 06-004922, which closed in 2007; and *In re Florida Power & Light Company Glades Power Park Power Plant Siting Application*, DOAH Case No. 06-5334EPP, which closed in 2007. The Florida Power & Light case was a site certification proceeding for a coal-fired power plant under the Power Plant Siting Act.

7. Prior to working as an employee of the Conservancy I practiced environmental and land use law for twenty years representing clients throughout the Southeastern United States. In the practice of law I have represented clients in numerous administrative hearings dealing with environmental and land use issues and have appeared in state courts and federal courts at both

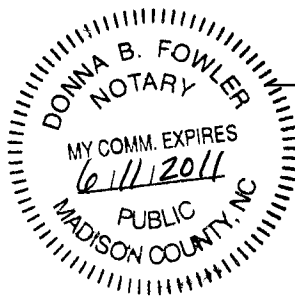
the trial and appellate levels. As a result of this experience, I am familiar with administrative law and procedure, with trial procedure and with the rules of civil procedure and evidence.

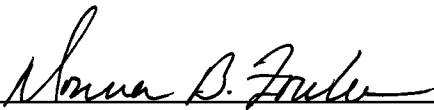
8. As a result of my experience in Florida DOAH hearings, I have gained knowledge of Florida law and rules governing jurisdiction in administrative proceedings. I have also gained knowledge of the Florida Rules of Civil Procedure and the Florida Evidence Code as they are applied in administrative proceedings.

9. I am familiar with the Standard of Conduct for Qualified Representatives and will comply with those standards in my representation. I am also familiar with the Florida Rules of Professional Conduct for attorneys and will comply with those standards in my representation.

  
\_\_\_\_\_  
Gary A. Davis

SWORN TO and subscribed before me this 5<sup>th</sup> day of September, 2007.





Donna B. Fowler, Notary Public

My Commission Expires: 6/11/2011